

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KENDALL CURRY,)	
)	Civil Action No. 07 - 94J
Plaintiff,)	
)	Judge Kim R. Gibson
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
DR. THOMAS; WARDEN GERALD)	
ROZUM; JOSEPH VISINSKY, CHCA;)	
HIEDA SROKA, Grievance Coordinator;)	
SHARON BURKS, Chief Gri. Cor.; JOHN)	
DOES, Prison Health Service,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on April 25, 2007 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on August 14, 2008 (doc. no. 46), recommending that the Motion to Dismiss filed by Defendant Thomas (doc. no. 35) be denied and that the Motion to Dismiss filed by the Commonwealth Defendants Rozum, Visinsky, Sroka, and Burks (doc. no. 28) be granted as to Defendants Rozum, Sroka and Burks and denied as to Defendant Visinsky. Plaintiff was served with the Report and Recommendation and advised that he had until September 2, 2008 to file objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 8th day of September, 2008;

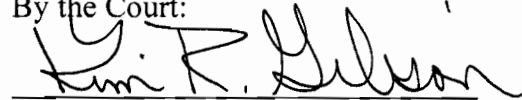
IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant Thomas (doc. no. 35) is **DENIED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by the Commonwealth Defendants Rozum, Visinsky, Sroka, and Burks (doc. no. 28) is **GRANTED** as to Defendants Rozum, Sroka and Burks and **DENIED** as to Defendant Visinsky.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 46) of Magistrate Judge Lenihan dated August 14, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that this case is remanded back to Magistrate Judge Lisa Pupo Lenihan for all further pretrial proceedings.

By the Court:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', written over a horizontal line.

Kim R. Gibson
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Kendall Curry
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